

**REMARKS**

This Application has been carefully reviewed in light of the Final Office Action. At the time of the Final Office Action, Claims 3, 37-40 and 42-57 were rejected and pending.

**Claim Rejections - 35 U.S.C. § 102**

Claims 50, 51, 54, and 55 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,249,578 issued to Gilles et al. (“*Gilles*”). Applicants respectfully traverse the rejections for at least several reasons, as discussed further below.

For example, Claim 50 recites:

A program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform method steps of providing self- supporting service consumers, the method comprising:

allowing a service consumer to automatically consult a service policy comprising one or more service policy rules associated with the service consumer to request service;

automatically determining from the service policy, one or more actions to be taken to respond to the request for service, the one or more actions related to servicing the service consumer;

automatically initiating the one or more actions; and

automatically invoking one or more service provider tools to perform the one or more actions in response to the request for service, wherein:

allowing the service consumer to automatically consult the service policy comprises:

receiving the request for service from the service consumer independent of a user-initiated request for service; and

comparing the request for service with the service policy.

At the outset, Applicants respectfully note that, for a rejection under 35 U.S.C. § 102 to be proper, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim,” and “[t]he elements must be arranged as required by the claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); M.P.E.P. § 2131 (emphasis added). *Lee* fails to disclose the elements of Claim 50 in as complete detail and as arranged by Claim 50. *Gilles* fails to recite, expressly or inherently, every element of Claim 50 for at least several reasons.

As one example, *Gilles* fails to recite, expressly or inherently, “allowing a service consumer to automatically consult a service policy comprising one or more service policy rules associated with the service consumer to request service.” In addressing this element of Claim 50, the Final Office Action relies on *Gilles*, col. 2, ll. 53-67 and col. 14, ll. 2-21. Final Office Action, p. 3. However, the cited portions fail to disclose the claimed element in as

complete detail and as arranged as Claim 50. In particular, one of the cited portions merely states that “the received data is temporarily stored in electronic document 482 having data fields 484. The appropriate information is then automatically transferred to the wholesaler’s internal order system as represented by blocks 486 and 488. The order is processed and a response is generated, translated using the standard transaction set, and transmitted to the reseller.” col. 14, ll. 2-8. Another of the cited portions merely states that “[t]he present invention provides a real-time, interactive interface for telecommunications resellers to increase accuracy and reduce turn-around time.” *Gilles*, col. 2, ll. 57-59. The examiner fails to identify in either of the cited portions any “service policy” or any manner of “allowing a service consumer to automatically consult [the] service policy,” as recited in Claim 50. As a result, *Gilles* fails to disclose “allowing a service consumer to automatically consult a service policy comprising one or more service policy rules associated with the service consumer to request service,” in as complete detail and as arranged as Claim 50.

As another example, *Gilles* fails to recite, expressly or inherently “receiving the request for service from the service consumer independent of a user-initiated request for service.” In addressing this element of Claim 50, the Office Action relies on *Gilles*, col. 14, ll. 20-34. Office Action, p. 3. However, as Applicants previously noted, (*see, e.g.* Response to Final Office Action filed August 31, 2009, p. 10-11), the cited portion of *Gilles* is devoid of any teaching that its alleged request is received “independent of a user-initiated request for service.” In response, the Advisory Action asserts that “human intervention is not required to receive the request and allow the service consumer to consult the service policy.” Advisory Action, p. 2. However, as Applicants previously noted, *Gilles* explicitly states that “reseller 50 employs customer service agents 70 which process requests from customers 52, 54 relative to telecommunications products and services.” *Gilles*, col. 3, ll. 39-42 (emphasis added). Moreover, *Gilles* further explicitly states that “Block 120 of FIG. 2 represents gathering customer information during a pre-ordering process. This is typically performed by the reseller in response to a customer inquiry or request for a service.” *Id.*, col. 6, ll. 31-35 (emphasis added). *Gilles* further explicitly states that “[c]ustomer service agents 70 preferably utilize one or more computers 72 to enter information received from customers 52, 54, which is then communicated to a message server 74.” *Id.*, col. 3, ll. 42-45 (emphasis added). As a result, *Gilles* fails to recite “wherein allowing the service consumer to automatically consult the service policy comprises receiving the request for service from the

service consumer independent of a user-initiated request for service,” in as complete detail and as arranged by Claim 50 (emphasis added).

Claim 50 is therefore allowable for at least these reasons. Claims 51, 54 and 55 include all limitations of Claim 50, and are therefore allowable for at least the reasons discussed with respect to Claim 50. Accordingly, Applicants respectfully request reconsideration and allowance of Claim 50 and its dependent claims.

### **Claim Rejections - 35 U.S.C. § 103**

Claims 3, 37-49, 52-53, and 56-57 are rejected under 35 U.S.C. § 103(a) as allegedly being anticipated by U.S. Patent No. 6,249,578 issued to Gilles et al. (“*Gilles*”) in view of U.S. Patent No. 6,357,017 B1 issued to Bereiter et al (“*Bereiter*”). Applicants respectfully traverse the rejections for several reasons, as discussed further below.

For example, amended Claim 3 recites:

A method of providing self-supporting service consumers, comprising:  
detecting, with a service consumer, a fault that has occurred in the service consumer;

allowing the service consumer to automatically consult a service policy comprising one or more service policy rules associated with the service consumer to request a solution for the detected fault that occurred in the service consumer;

automatically determining from the service policy, one or more actions to be taken to respond to the request, the one or more actions related to providing the solution to the detected fault;

automatically initiating the one or more actions;

automatically invoking one or more service provider tools to perform the one or more actions in response to the request; and

communicating one or more service events that occurred as a result of the automatically initiating one or more actions and the automatically invoking one or more service provider tools wherein the communicating includes logging the one or more service events.

The proposed *Gilles-Bereiter* combination fails to disclose every element of amended Claim 3. As one example, the proposed *Gilles-Bereiter* combination fails to disclose “detecting, with a service consumer, a fault that has occurred in the service consumer.” Neither *Gilles* nor *Bereiter* disclose this element of amended Claim 3. Accordingly, the proposed *Gilles-Bereiter* combination fails to disclose every element of amended Claim 3 for at least this reason.

Amended Claim 3 is therefore allowable for at least these reasons. Although differing in scope, amended Claims 37 and 44 include elements that, for reasons analogous to those discussed with respect to amended Claim 3, are not taught, suggested, or disclosed by the proposed *Gilles-Bereiter* combination. Accordingly, Applicants respectfully request reconsideration and allowance of amended Claims 3, 37, and 44, and their respective dependent claims.

**CONCLUSION**

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicants respectfully request full allowance of all pending Claims. If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

Applicants believe no fees to be due. However, please charge any fees or credit any overpayment to **Deposit Account No. 02-0384 of Baker Botts L.L.P.**

Respectfully submitted,

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Date: September 29, 2009

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